

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 8-23-70792-ast

PURE SEAFOOD CO. BY GULLO LLC,

Chapter 7

Debtor.

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ORDER DISMISSING CHAPTER 7 CASE WITHOUT PREJUDICE

UPON the motion (the “Motion”) dated April 13, 2023, of Gary Podell and Frank Gullo (the “Movants), for an Order, pursuant to 11 U.S.C. § 707(a), dismissing the Chapter 7 case of Pure Seafood Co. by Gullo LLC (the “Debtor”), on the grounds that the commencement of the Chapter 7 case was not properly authorized by the Debtor’s members, together with such other and further relief as the Court deems proper and just [ECF #36]; and

UPON the Debtor’s Opposition to the Motion, dated May 1, 2023, by Robert L. Pryor, Esq., attorney for the Debtor [ECF #43]; and the Opposition to the Motion, dated May 1, 2023 by the Chapter 7 Trustee, Andrew M. Thaler, Esq. [ECF #45]; and the Movant’s Reply Memorandum of Law in Further Support of the Motion, dated May 5, 2023 [ECF #48]; and the Debtor’s Sur-Reply to the Motion, dated May 8, 2023 [ECF #51]; and

UPON, the hearing on May 9, 2023, it is hereby

ORDERED, that the Motion is granted to the extent that pursuant to Bankruptcy Code Section 707(a), the Debtor’s Chapter 7 petition is dismissed without prejudice and without any findings of fact or conclusions of law as to whether the filing was or was not properly authorized.

Dated: May 17, 2023
Central Islip, New York



Alan S. Trust
Chief United States Bankruptcy Judge